


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 02/23/00 PTO	<b>UTILITY</b>	Attorney Docket No.	<b>8265-305</b>	Total Pages	<b>23</b>
	<b>PATENT APPLICATION</b>	First Named Inventor or Application Identifier			
	<b>TRANSMITTAL</b>	Johannes BAENSCH et al.			
	new nonprovisional applications under 37 CFR 1.53(b)				

<b>APPLICATION ELEMENTS</b> See MPEP chapter 600 concerning utility patent application contents.	<b>ADDRESS TO:</b> Assistant Commissioner for Patents Box Patent Application Washington, DC 20231
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<p>1. <input checked="" type="checkbox"/> Fee Transmittal Form <i>Submit an original, and a duplicate for fee processing</i></p> <p>2. <input checked="" type="checkbox"/> Specification [Total Pages <b>15</b>] <i>(preferred arrangement set forth below)</i> -Descriptive title of the Invention -Cross Reference to Related Applications -Statement Regarding Fed sponsored R&amp;D -Reference to Microfiche Appendix -Background of the Invention -Brief Summary of the Invention -Brief Description of the Drawings <i>(if filed)</i> -Detailed Description of the Invention (including drawings, <i>if filed</i>) -Claim(s) -Abstract of the Disclosure</p> <p>3. <input type="checkbox"/> Drawing(s) <i>(35 USC 113)</i> [Total Sheets <b>00</b>] <input checked="" type="checkbox"/> Oath or Declaration [Total Sheets <b>08</b>] a. <input checked="" type="checkbox"/> Newly executed (original or copy) b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) <i>(for continuation/divisional with Box 17 completed)</i> <i>(Note Box 5 below)</i> i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b> Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33 (b).</p> <p>4. <input type="checkbox"/> Incorporation By Reference <i>(useable if Box 4b is checked)</i> The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.</p>	<p>6. <input type="checkbox"/> Microfiche Computer Program <i>(Appendix)</i></p> <p>7. <input type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, all necessary)</i> a. <input type="checkbox"/> Computer Readable Copy b. <input type="checkbox"/> Paper Copy (identical to computer copy) c. <input type="checkbox"/> Statement verifying identity of above copies</p>
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<b>ACCOMPANYING APPLICATION PARTS</b>
8. <input checked="" type="checkbox"/> Assignment Papers (cover sheet & document(s))
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15. <input checked="" type="checkbox"/> Certified Copy of Priority Document European Patent Application No. 97202631.4
16. <input type="checkbox"/> Other:

17. If a <b>CONTINUING APPLICATION</b> , check appropriate box and supply the requisite information: <input type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input checked="" type="checkbox"/> Continuation-in-part (CIP) of prior application No: PCT/EP98/04930 filed 23 July 1998.
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## CREAM-BASED FOOD COMPOSITION AND PROCESS OF MANUFACTURE

### CROSS-REFERENCE TO RELATED APPLICATIONS

- This is a continuation-in-part of PCT Application  
5 No. PCT/EP98/04930, filed July 23, 1998, the content of which is expressly incorporated herein by reference thereto.

### FIELD OF INVENTION

- This invention relates to cream-based food  
10 compositions and processes for preparing the same. More particularly, the invention relates to the use of these cream compositions and processes in the manufacture of particular food compositions.

### 15 BACKGROUND OF THE INVENTION

- In numerous applications, such as those required by the food processing industry, a simple and rapid process for the production of a cream with a creamy texture and fresh taste is desirable. The preparation of certain cream-based  
20 food compositions is generally known for this purpose.

- European Patent Application 0714608 describes a process for the manufacture of appetizers from a mixture containing in particular soft white cheese. This soft white cheese is pasteurized and cooled to 10°C before being extruded  
25 and then frozen, so that it can then be cut into portions which are subsequently coated with a fat-based topping.

- Furthermore, European Patent Application 0687420 describes a process for the manufacture of a biscuit coated and filled with a cream containing living lactic acid  
30 bacteria, exhibiting a water activity ( $A_w$ ) of 0.75-0.86 and comprising a sufficient amount of fatty substance so that it is in the form of a water-in-oil emulsion.

- European Patent Application 0818149 discloses an aerated food composition constituted by an oil-in-water  
35 emulsion comprising 20% to 45% fats, milk proteins, possibly sugars, and 20% to 38% water, having an acid pH of from 3.5 to 6 and obtained by emulsifying a mixture of an aqueous phase

based on fresh cheese, yogurt or sour cream and a fat phase comprising butter or vegetable fat, followed by pasteurizing the emulsion and foaming.

- Despite these prior art formulations, there remains  
5 a need for creams that have a creamy texture and a fresh taste for use in the manufacture of food compositions.

#### SUMMARY OF THE INVENTION

- The present invention relates to a simple and rapid  
10 process for producing a cream composition having a creamy texture and a fresh taste, and to a process for producing this cream.

- The process according to the present invention, comprises preparing a mixture that typically contains from  
15 about 10% to 20% of milk derivatives, from about 8% to 30% of sugars, and from about 10% to 60% of fermented dairy product. The mixture may contain up to about 25% of sour cream or of dairy cream containing from about 25% to 45% of fatty substance, up to about 35% of a texturizing agent, up to about  
20 20% of an aromatic product and up to about 0.5% of salt. The mixture is prepared by stirring together the ingredients. This mixture is then heat treated at a temperature of about 60°C to 115°C for about 7 seconds to 5 minutes. Next, the temperature of the mixture is adjusted to about 15°C to 40°C,  
25 and about 10% to 45% of a molten fatty substance, with respect to the total weight of the mixture, is added to the mixture with stirring, so as to obtain a homogeneous cream which exhibits an  $A_v$  of about 0.80 to 0.91.

- In one embodiment, the milk derivative includes at  
30 least one of powdered unskimmed milk, powdered skimmed milk, sweetened evaporated milk, or combinations thereof. In another embodiment, the fermented dairy product includes at least one of fermented milk, yogurt, cream cheese, powdered fermented milk diluted in milk or water, powdered yogurt  
35 diluted in water or milk, concentrated yogurt, concentrated cream cheese, powdered cream cheese, quark diluted in water or milk, or combinations thereof. The sour cream or dairy cream is preferably present in an amount from about 0.01% to 25% of

the mixture to increase the organoleptic or smoothness qualities of the mixture.

When used, the texturizing agent is present in an amount from about 0.01% to 35% and includes at least one of  
5 maltodextrin, fermented cereal product, or combinations thereof. Similarly, the aromatic product is present in an amount from about 0.01% to 20% and includes at least one of honey, cocoa, coffee, caramel, hazel-nuts, almonds, vanilla, fruit chunks, whole fruits, fruit syrups, concentrated fruit  
10 juices, or combinations thereof. Also, the salt is preferably present in an amount from about 0.01% to 0.5%.

In another embodiment, the invention includes adjusting the pH of the mixture to about 4 to 6 before the mixture is heat treated. If desired, a plurality of living  
15 lactic acid bacteria can be added to the mixture at a concentration of about  $10^8$  to  $10^{11}$  per gram of the mixture after having adjusted the temperature of the mixture to about 15°C to 40°C. Aeration of the homogenous cream is possible.

The invention also relates to a cream-based food  
20 composition that includes the previously described mixtures. This composition may be disposed on at least one layer of a biscuit. In a preferred embodiment, the composition is disposed between each layer of a biscuit having two layers. In another embodiment, the food composition preferably has a  
25 water activity ( $A_w$ ) of about 0.75 to 0.88.

#### DETAILED DESCRIPTION OF THE INVENTION

It has now been discovered that the process according to the present invention makes it possible to  
30 produce a cream that retains a creamy texture and a fresh taste even after 45 days at refrigerator temperature. The cream according to the present invention has the advantage of being edible directly after storage at refrigerator temperature or several hours after having been exposed to room  
35 temperature.

In this description, the expression "milk derivative" will be employed to denote powdered skimmed milk, powdered unskimmed milk or sweetened evaporated milk, while

the term "biscuit" will be employed to denote any dough-based preparation, such as sponge cake, pound cake, gingerbread, brioche rolls, or Viennese bread and buns.

In order to make use of the present process, a  
5 specific mixture is prepared. This mixture typically contains about 10% to 20%, and preferably from about 15% to 19%, of a milk derivative; from about 8% to 30%, preferably from about 12% to 22%, of a sugar; and from about 5% to 60%, and preferably from about 10% to 35%, of a fermented dairy  
10 product. A number of optional ingredients may be included, if desired. For example, from about 0% to about 25%, and preferably from about 5% to 15%, of sour cream or of a dairy cream containing from about 25% to about 45% of a fatty substance of the sour cream or dairy cream; from about 0% to  
15 about 35%, and preferably from about 10% to 25%, of a texturizing agent; from about 0% to about 20%, and preferably from about 5% to 15%, of an aromatic product; and from about 0% to about 0.5%, preferably from about 0.1% to 0.4%, of salt may be used. The mixture is thus prepared by stirring the  
20 ingredients in any suitable mixing device, such as a turbomixer. The mixture according to the present invention can also be formulated to contain a supplement of inorganic salts, functional nutritional compounds and/or vitamins in conventional amounts.

25 It is possible to use any suitable form of sugar, such as sucrose, invert sugar syrup, glucose syrup, honey, or combinations thereof.

It is possible to use any suitable type of fermented dairy product, such as fermented milk, yogurt, cream cheese,  
30 powdered fermented milk diluted in milk or in water, powdered yogurt diluted in water or in milk, concentrated yogurt, concentrated cream cheese, powdered cream cheese, quark diluted in water or in milk, or combinations thereof.

It is possible to use sour cream or dairy cream  
35 containing from about 25% to 45% of fatty substance, so as to increase the organoleptic qualities of the mixture, in particular its smoothness. When the sour cream or dairy cream

is included, it is preferably present in an amount of at least about 0.01%.

Maltodextrin, fermented cereal product, or combinations thereof, can optionally be included as a texturizing agent, so as to give body to the mixture while limiting its sweet flavor. When the texturizing agent is included, it is present in an amount from at least about 0.01%.

It is also possible to include an aromatic product, such as honey, cocoa, coffee, caramel, hazelnuts, almonds, vanilla, fruit syrup, concentrated fruit juices, or combinations thereof. When the aromatic product is included, it is present in any taste perceptible amount and generally at least about 0.01%.

It is also possible to include a flavoring agent, such as cocoa, coffee, hazelnuts, vanilla, or fruit flavors, in solid, powdered, or liquid form, or combinations thereof. The flavoring agent can be added in any desired amount, but typically is included in an amount of at least about 0.1% by weight of the mixture.

It is also optional, but preferred, to include lemon, cherries, strawberries, raspberries, blackberries, apricots or peaches as whole fruits, fruit chunks, or combinations thereof. The whole fruits and fruit chunks can be candied fruits, uncandied fruits, semi-candied fruits, or freeze-dried fruits, and can be added in an amount of between 2 and 25% by weight of the mixture.

Before the heat treatment, the pH of the mixture is preferably adjusted to about 4 to 6, depending on the acidity of the aromatic product contained in the mixture. In the case where the aromatic product is acidic, the pH of the mixture is very precisely adjusted, so as not to destroy the smooth structure of the mixture. When too high, the pH can be adjusted by adding from about 0.1% to 2% of an organic acid, such as lactic or citric acid, to the mixture. One of ordinary skill in the art will be readily be able to determine other suitable acidic or basic agents that are edible and suitable for adjusting the pH.

The mixture is then heat treated at about 60°C to 115°C for approximately 7 seconds to 5 minutes, so as to pasteurize it. If it is desired to set the mixture aside before adding the fatty substance thereto, it is possible, if  
5 appropriate, to cool it, so as to store it at about 8°C to 20°C and to maintain it thus under good hygienic conditions. The temperature of the mixture is then subsequently adjusted to about 15°C to 40°C. It is possible to incorporate, in the mixture, from about 0.02% to 0.5% of crystalline lactose per  
10 100 g of mixture, after having adjusted the temperature of the mixture to the temperature range of about 15°C to 40°C.

Living lactic acid bacteria can then optionally be added to the mixture at a concentration of about  $10^8$  to  $10^{11}$ , per gram of mixture, after having adjusted the temperature of  
15 the mixture to the temperature range of about 15°C to 40°C. The living lactic acid bacteria can be added in dried form, in the form of a fresh or frozen concentrated culture, or in the form of a fermented dairy product. By adding this concentration of live bacteria during preparation, the desired  
20 final levels can be achieved. The final concentration would be between about  $10^4$  to  $10^9$  per gram.

From about 10% to 45% of a molten fatty substance, with respect to the total weight of the mixture, is then added to the mixture with stirring, so as to obtain a homogeneous  
25 cream that exhibits an  $A_w$  from about 0.80 to 0.91. In one embodiment, the  $A_w$  is from about 0.86 to 0.91, and in another embodiment, the  $A_w$  is from about 0.87 to 0.91. The fatty substance can be vegetable fat, the melting point of which is greater than about 30°C, or a mixture of such vegetable fats  
30 and of animal fat. In particular, butter is the most preferred fatty substance.

It is then possible to aerate the cream, so as to make it lighter. It is possible in particular to aerate it by incorporating therein, by continuous injection, in particular  
35 from about 25 ml to 150 ml of an inert gas, such as nitrogen or other gases, typically air or carbon dioxide, per 100 g of cream. If desired, it is also possible to utilize the cream without aeration.





Engineering Laboratories Inc., Stoughton, USA. The mixture exhibits a viscosity of 7600 cPs (7,600 mPa.s) at 29°C.

The mixture is then heat treated at 80°C for 3 minutes.

- 5 The mixture is then adjusted to 32°C before incorporating 0.04% of crystalline lactose per 100 g of mixture.

- 10 To obtain a homogeneous cream, 20% of molten fatty substance, with respect to the total weight of the mixture is added.

A homogeneous cream is thus obtained which exhibits an  $A_w$  of 0.91 and a pH value of 4.3.

- Before depositing this homogeneous cream between two layers of a biscuit, it is cooled and then aerated by  
15 incorporating therein 70 ml of nitrogen per 100 g of cream.

Using a depositing nozzle, 20 g of this cream are then deposited between two layers of biscuit, each layer weighing 6 g.

- 20 A food composition is thus obtained with a strawberry aroma that has a creamy texture and that exhibits a fresh taste.

- This composition is wrapped, e.g., in a hermetically closed plastic sachet, and is then stored at refrigerator temperature. It can be readily stored at refrigerator  
25 temperatures for 8 weeks.

## Example 2

A food composition with a cocoa aroma is prepared.

- To do this, a mixture containing 15% of powdered  
30 skimmed milk, 18% of sucrose, 4% of invert sugar syrup, 19% of cream cheese, 14% of yogurt, 6% of dairy cream containing 35% of fatty substance, 19% of maltodextrin, and 5% of powdered cocoa is prepared with stirring in a turbo mixer.

- The viscosity of the mixture is measured using a  
35 Brookfield viscometer sold by Brookfield Engineering Laboratories Inc., Stoughton, USA. The mixture exhibits a viscosity of 12,000 cPs (12,000 mPa.s) at 33°C with an RV5 unit at a rotational speed of 10 rpm.

The mixture is then heat treated at 80°C for 3 minutes.

The mixture is then adjusted to 32°C before incorporating 0.04% of crystalline lactose per 100 g of mixture.

To obtain a homogeneous cream, 25% of molten fatty substance with respect to the total weight of the mixture, is then added with stirring.

A homogeneous cream is thus obtained which exhibits an  $A_v$  of 0.89 and a pH value of 5.8.

Before depositing this homogeneous cream between two layers of biscuit, it is cooled and then aerated by incorporating therein 60 ml of nitrogen per 100 g of cream.

Using a depositing nozzle, 14 g of this cream are then deposited between two layers of biscuit, each weighing 7 g.

A food composition is thus obtained with a cocoa aroma that has a creamy texture and which exhibits a fresh taste.

This composition is wrapped in a hermetically closed plastic sachet and is then stored at refrigerator temperature.

### Example 3

A food composition with a blueberry aroma is prepared.

To do this, a concentrated yogurt with 76% milk, 24% skimmed milk powder, and yogurt ferments is prepared. In this concentrated yogurt, living lactic acid bacteria are present at a concentration of  $5 \times 10^8$  per gram of the concentrated yogurt.

A mixture containing 19% of milk, 14% of skimmed milk powder, 17.3% of sugar, 14% of inverted sugar, 20% of maltodextrin, 13% of blueberry pulp, 0.83% of powdered blueberry essence, 1.7% of lactic acid, 0.17% of salt is prepared with stirring in a turbomixer.

The mixture is then pasteurized before adding 0.03% of microcrystalline lactose.

Then 33% of the concentrated yogurt, with respect to the total weight of the mixture, is added with stirring to the mixture.

To obtain a homogeneous cream 33% of molten fatty substance, with respect to the total weight of the mixture, is then added with stirring.

A homogeneous cream is thus obtained which exhibits an  $A_w$  of 0.91, a pH of 4.5 and a specific gravity of about 650 g/l. This homogeneous cream contains living lactic acid bacteria at a concentration of  $10^8$  per gram of the cream.

Before depositing this homogeneous cream between two layers of biscuit, it is cooled and then aerated by incorporating therein 60 ml of nitrogen per 100 g of cream.

Between two layers of biscuit, each weighing 10 g, 20 g of cream is deposited.

The food composition has an  $A_w$  of 0.88 and contains living lactic acid bacteria at a concentration of  $5 \times 10^7$  per gram of the food composition. After being chilled for 45 days, the food composition still contains living lactic acid bacteria at a concentration over of  $10^6$  per gram of the food composition.

The term "about" as used herein in connection with one or more numbers or numerical ranges, should be understood to refer to all such numbers, including all numbers in a range.

All percentages herein are weight percentages unless otherwise specified.

The invention described and claimed herein is not to be limited in scope by the specific embodiments herein disclosed, since these embodiments are intended as illustrations of several aspects of the invention. Any equivalent embodiments are intended to be within the scope of this invention. Indeed, various modifications of the invention in addition to those shown and described herein will become apparent to those skilled in the art from the foregoing description. Such modifications are also intended to fall within the scope of the appended claims.

## THE CLAIMS

What is claimed is:

1. A process for the preparation of a cream  
5 composition comprising:  
    stirring together about 10% to 20% of milk  
    derivative, about 8% to 30% of a sugar, and about 10% to 60%  
    of a fermented dairy product; optionally with sour cream or a  
    dairy cream in an amount up to about 25%, the sour or dairy  
10 cream containing from about 25% to 45% of fatty substances; a  
    texturizing agent in an amount up to about 35%; an aromatic  
    product in an amount up to about 20%; and a salt in an amount  
    up to about 0.5%; to form a mixture;  
    heat treating the mixture 60°C to 115°C for about 7  
15 seconds to 5 minutes;  
    cooling the mixture to about 15°C to 40°C; and  
    adding about 10% to 45% of a molten fatty substance  
    with respect to the total weight of the mixture with stirring  
    to obtain a homogeneous cream composition which exhibits a  
20 water activity (A<sub>w</sub>) of about 0.80 to 0.91.
2. The process of claim 1, wherein the milk  
derivative comprises at least one of powdered unskimmed milk,  
powdered skimmed milk, sweetened evaporated milk, or  
25 combinations thereof.
3. The process of claim 1, wherein the fermented  
dairy product comprises at least one of fermented milk,  
yogurt, cream cheese, powdered fermented milk diluted in milk  
30 or water, powdered yogurt diluted in water or milk,  
concentrated yogurt, concentrated cream cheese, powdered cream  
cheese, quark diluted in water or milk, or combinations  
thereof.
- 35 4. The process of claim 1, wherein the sour cream  
or dairy cream is present in an amount of at least about 0.01%  
to increase the organoleptic or smoothness qualities of the  
mixture.

5        5.    The process of claim 1, wherein the texturizing agent comprises at least one of maltodextrin, fermented cereal product, or combinations thereof and is present in an amount of at least about 0.01% to moderate sweetness in the cream composition.

10        6.    The process of claim 1, wherein the aromatic product is present in an amount at least about 0.01% and comprises at least one of honey, cocoa, coffee, caramel, hazel-nuts, almonds, vanilla, fruit syrups, concentrated fruit juices, or combinations thereof.

15        7.    The process of claim 1, wherein the salt is present in an amount from about 0.01% to 0.5%.

20        8.    The process of claim 1, which further comprises adjusting the pH of the mixture to about 4 to 6 before the mixture is heat treated.

25        9.    The process of claim 1, which further comprises adding a plurality of living lactic acid bacteria to the mixture at a concentration of about  $10^8$  to  $10^{11}$  per gram of the mixture after having adjusted the temperature of the mixture to about 15°C to 40°C.

30        10.   The process of claim 1, which further comprises aerating the homogeneous cream composition.

35        11.   The cream composition prepared by the process of claim 1.

      12.   The cream composition prepared by the process of claim 10.

      13.   A cream composition comprising a mixture of:  
          about 10 % to 20% of a milk derivative;  
          about 8% to 30% of a sugar;  
          about 5% to 60% of a fermented dairy product;

optionally up to about 25% of sour cream or a dairy cream, wherein the sour or dairy cream contains from about 25% to 45% of fatty substances;

- 5 optionally up to about 35% of a texturizing agent;  
optionally up to about 20% of an aromatic product;  
and  
optionally up to about 0.5% of salt.

14. The cream composition of claim 13, wherein the  
10 milk derivative comprises at least one of powdered unskimmed milk, powdered skimmed milk, sweetened evaporated milk, or combinations thereof and is present in an amount of about 15% to 19%.

15 15. The cream composition of claim 13, wherein the fermented dairy product comprises fermented milk, yogurt, cream cheese, powdered fermented milk diluted in milk or water, powdered yogurt diluted in water or milk, concentrated yogurt, concentrated cream cheese, powdered cream cheese,  
20 quark diluted in water or milk, or combinations thereof and is present in an amount of about 10% to 35%.

16. The cream composition of claim 13, wherein the sour cream or dairy cream is present in an amount of at least  
25 about 0.01% to increase the organoleptic or smoothness qualities of the mixture.

17. The cream composition of claim 13, wherein the texturizing agent is present in an amount of at least about  
30 0.01% and comprises at least one of maltodextrin, fermented cereal product, or combinations thereof.

18. The cream composition of claim 13, wherein the aromatic product is present in an amount of at least about  
35 0.01% and comprises at least one of honey, cocoa, coffee, caramel, hazel-nuts, almonds, vanilla, fruit syrups, concentrated fruit juices, or combinations thereof.

19. The cream composition of claim 13, wherein the salt is present in an amount of at least about 0.01%.

5 20. The cream composition of claim 13, further comprising living lactic acid bacteria present at a concentration of about  $10^4$  to  $10^{11}$  per gram of the mixture.

10 21. The cream composition of claim 13, which comprises a water activity ( $A_w$ ) of about 0.75 to 0.88.

22. The cream composition of claim 13 further comprising a molten fatty substance in an amount of about 10% to 45% by weight of the mixture.

15 23. The cream composition of claim 13 in aerated form.

20 24. A food product comprising the cream composition of claim 13 disposed on at least one layer of a biscuit.

25 25. The food product of claim 24, wherein the cream composition is disposed between two biscuit layers.

## CREAM-BASED FOOD COMPOSITION AND PROCESS OF MANUFACTURE

### ABSTRACT

A process for the preparation of a cream, in which a  
5 mixture containing about 10% to 20% of milk derivatives, about  
8% to 30% of sugars, about 10% to 60% of fermented dairy  
product, about 0% to 25% of sour cream or of dairy cream  
containing about 25% to 45% of fatty substance, about 0% to  
35% of texturizing agent, about 0% to 20% of aromatic product,  
10 and about 0% to 0.5% of salt is prepared by stirring, heat  
treating at a temperature of about 60°C to 115°C for about 7  
seconds to 5 minutes; the temperature of the mixture is then  
adjusted to about 15°C to 40°C and to which molten fatty  
substance is added with stirring, so as to obtain a  
15 homogeneous cream. The cream thus obtained can be used in the  
manufacture of a food composition by depositing it on at least  
one layer, preferably between two layers, of food product,  
e.g., a biscuit.



# DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

## CREAM-BASED FOOD COMPOSITION AND PROCESS OF MANUFACTURE

and for which a patent application:

☒ is attached hereto and includes amendment(s) filed on \_\_\_\_\_ as Application No. \_\_\_\_\_ with amendment(s) filed on \_\_\_\_\_  
☐ was filed in the United States on \_\_\_\_\_ as Application No. \_\_\_\_\_

☒ was filed as PCT International Application No. PCT/EP98/04930 on 23 July 1998.

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
97202631.4	European Patent Office	28 August 1997	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

APPLICATION NUMBER	FILING DATE

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED
PCT/EP98/04930	23 July 1998		X	

POWER OF ATTORNEY: As a named inventor, I hereby appoint S. Leslie Mirock (Reg. No. 18872), Harry C. Jones, III (Reg. No. 20280), Berj A. Terzian (Reg. No. 20060), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Charles E. McConney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebe (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Allan A. Fannuci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallach (Reg. No. 35402), Marcia H. Sundeen (Reg. No. 30893), Paul J. Zegger (Reg. No. 33821), Edmond R. Bannon (Reg. No. 32110), Bruce J. Barker (Reg. No. 33291), Adriane M. Antler (Reg. No. 32605), Thomas G. Rowan (Reg. No. 34419), James G. Markey (Reg. No. 31636), Thomas D. Kohler (Reg. No. 32797), Scott D. Stimpson (Reg. No. 33607), Gary S. Williams (Reg. No. 31066), William S. Galliani (Reg. No. 33885), Ann L. Gisolfi (Reg. No. 31956), Todd A. Wagner (Reg. No. 35399), Scott B. Familant (Reg. No. 35514), Kelly D. Talcott (Reg. No. 39582), Francis D. Cerrito (Reg. No. 38100), Anthony M. Insigna (Reg. No. 35203), Brian M. Rothery (Reg. No. 35140), Brian D. Siff (Reg. No. 35679), and Alan Tenenbaum (Reg. No. 34939), all of Pennie & Edmonds LLP, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 3300 Hillview Avenue, Palo Alto, CA 94304, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

SEND CORRESPONDENCE TO: PENNIE & EDMONDS LLP  
1667 K Street, N.W.  
Washington, D.C. 20006

DIRECT TELEPHONE CALLS TO:  
PENNIE & EDMONDS LLP DOCKETING  
(202) 496-4721

201	FULL NAME OF INVENTOR	LAST NAME BAENSCH	FIRST NAME Johannes	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Le Breuil-en-Auge	STATE OR FOREIGN COUNTRY France	COUNTRY OF CITIZENSHIP Germany	
	POST OFFICE ADDRESS	STREET Le Pré-aux-Meux	CITY Le Breuil-en-Auge	STATE OR COUNTRY France	ZIP CODE 14130
202	FULL NAME OF INVENTOR	LAST NAME GAUGAZ	FIRST NAME Marlene	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Corseaux	STATE OR FOREIGN COUNTRY Switzerland	COUNTRY OF CITIZENSHIP Switzerland	
	POST OFFICE ADDRESS	STREET 36, rue du Village	CITY Corseaux	STATE OR COUNTRY Switzerland	ZIP CODE 1802
203	FULL NAME OF INVENTOR	LAST NAME LENEUF	FIRST NAME Dominique	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Vevey	STATE OR FOREIGN COUNTRY Switzerland	COUNTRY OF CITIZENSHIP France	
	POST OFFICE ADDRESS	STREET 18, avenue de la Prairie	CITY Vevey	STATE OR COUNTRY Switzerland	ZIP CODE 1800
204	FULL NAME OF INVENTOR	LAST NAME REIMERDES	FIRST NAME Ernst	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Cully/Villette	STATE OR FOREIGN COUNTRY Switzerland	COUNTRY OF CITIZENSHIP Germany	
	POST OFFICE ADDRESS	STREET 161, route de Lausanne	CITY Cully/Villette	STATE OR COUNTRY Switzerland	ZIP CODE 1096
205	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
206	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF JOHANNES BAENSCH	SIGNATURE OF MARLENE GAUGAZ	SIGNATURE OF DOMINIQUE LENEUF
DATE Feb. 17, 2000	DATE	DATE
SIGNATURE OF ERNST HARTMUT REIMERDES	SIGNATURE OF INVENTOR 201	SIGNATURE OF INVENTOR 205
DATE	DATE	DATE

# DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

## CREAM-BASED FOOD COMPOSITION AND PROCESS OF MANUFACTURE

and for which a patent application:

☒ is attached hereto and includes amendment(s) filed on \_\_\_\_\_ as Application No. \_\_\_\_\_ with amendment(s) filed on \_\_\_\_\_  
☐ was filed in the United States on \_\_\_\_\_

☒ was filed as PCT International Application No. PCT/EP98/04930 on 23 July 1998.

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
97202631.4	European Patent Office	28 August 1997	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

APPLICATION NUMBER	FILING DATE

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED
PCT/EP98/04930	23 July 1998		X	

POWER OF ATTORNEY: As a named inventor, I hereby appoint S. Leslie Misrook (Reg. No. 18872), Harry C. Jones, III (Reg. No. 20280), Berj A. Terzian (Reg. No. 20060), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Charles E. McConney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Raddling (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Frieboel (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Allan A. Fannucci (Reg. No. 30256), Geraldine P. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallach (Reg. No. 35402), Marcia H. Sundeen (Reg. No. 30893), Paul J. Zegeer (Reg. No. 33821), Edmond R. Bannon (Reg. No. 32110), Bruce J. Barker (Reg. No. 33291), Adriane M. Antler (Reg. No. 32605), Thomas G. Rowan (Reg. No. 34419), James G. Markay (Reg. No. 31636), Thomas D. Kohler (Reg. No. 32797), Scott D. Stimpson (Reg. No. 33607), Gary S. Williams (Reg. No. 31066), William S. Galliani (Reg. No. 33885), Ann L. Gisolfi (Reg. No. 31956), Todd A. Wagner (Reg. No. 35399), Scott B. Farnham (Reg. No. 35514), Kelly D. Talcott (Reg. No. 39582), Francis D. Cerrito (Reg. No. 38100), Anthony M. Insoigna (Reg. No. 35203), Brian M. Rothery (Reg. No. 35340), Brian D. Siff (Reg. No. 35679), and Alan Tenenbaum (Reg. No. 34939), all of Pennie & Edmonds LLP, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 3300 Hillview Avenue, Palo Alto, CA 94304, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

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201	FULL NAME OF INVENTOR	LAST NAME BAENSCH	FIRST NAME Johannes	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Le Breuil-en-Auge	STATE OR FOREIGN COUNTRY France	COUNTRY OF CITIZENSHIP Germany	
	POST OFFICE ADDRESS	STREET Le Pré-aux-Mieux	CITY Le Breuil-en-Auge	STATE OR COUNTRY France	ZIP CODE 14130
202	FULL NAME OF INVENTOR	LAST NAME GAUGAZ	FIRST NAME Marlene	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Corseaux	STATE OR FOREIGN COUNTRY Switzerland	COUNTRY OF CITIZENSHIP Switzerland	
	POST OFFICE ADDRESS	STREET 36, rue du Village	CITY Corseaux	STATE OR COUNTRY Switzerland	ZIP CODE 1802
203	FULL NAME OF INVENTOR	LAST NAME LENEUF	FIRST NAME Dominique	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Vevey	STATE OR FOREIGN COUNTRY Switzerland	COUNTRY OF CITIZENSHIP France	
	POST OFFICE ADDRESS	STREET 18, avenue de la Prairie	CITY Vevey	STATE OR COUNTRY Switzerland	ZIP CODE 1800
204	FULL NAME OF INVENTOR	LAST NAME REIMERDES	FIRST NAME Ernst	MIDDLE NAME Hartmut	
	RESIDENCE & CITIZENSHIP	CITY Cully/Villette	STATE OR FOREIGN COUNTRY Switzerland	COUNTRY OF CITIZENSHIP Germany	
	POST OFFICE ADDRESS	STREET 161, route de Lausanne	CITY Cully/Villette	STATE OR COUNTRY Switzerland	ZIP CODE 1096
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	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
206	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE

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SIGNATURE OF JOHANNES BAENSCH	SIGNATURE OF MARLENE GAUGAZ	SIGNATURE OF DOMINIQUE LENEUF
DATE	DATE 15.2.2000	DATE
SIGNATURE OF ERNST HARTMUT REIMERDES	SIGNATURE OF INVENTOR 205	SIGNATURE OF INVENTOR 206
DATE	DATE	DATE

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☒ is attached hereto and includes amendment(s) filed on \_\_\_\_\_ as Application No. \_\_\_\_\_ with amendment(s) filed on \_\_\_\_\_  
☐ was filed in the United States on \_\_\_\_\_

☒ was filed as PCT International Application No. PCT/EP98/04930 on 23 July 1998.

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APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
97202631.4	European Patent Office	28 August 1997	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
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PCT/EP98/04930	23 July 1998		X	

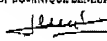
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(202) 496-4721

201	FULL NAME OF INVENTOR	LAST NAME BAENSCH	FIRST NAME Johannes	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Le Breuil-en-Auge	STATE OR FOREIGN COUNTRY France	COUNTRY OF CITIZENSHIP Germany	
	POST OFFICE ADDRESS	STREET Le Pré-aux-Moëux	CITY Le Breuil-en-Auge	STATE OR COUNTRY France	ZIP CODE 14130
202	FULL NAME OF INVENTOR	LAST NAME GAUGAZ	FIRST NAME Marlène	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Corseaux	STATE OR FOREIGN COUNTRY Switzerland	COUNTRY OF CITIZENSHIP Switzerland	
	POST OFFICE ADDRESS	STREET 36, rue du Village	CITY Corseaux	STATE OR COUNTRY Switzerland	ZIP CODE 1802
203	FULL NAME OF INVENTOR	LAST NAME LENEUF	FIRST NAME Dominique	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Vevey	STATE OR FOREIGN COUNTRY Switzerland	COUNTRY OF CITIZENSHIP France	
	POST OFFICE ADDRESS	STREET 18, avenue de la Prairie	CITY Vevey	STATE OR COUNTRY Switzerland	ZIP CODE 1800
204	FULL NAME OF INVENTOR	LAST NAME REIMERDES	FIRST NAME Ernst	MIDDLE NAME Hartmut	
	RESIDENCE & CITIZENSHIP	CITY Cully/Villette	STATE OR FOREIGN COUNTRY Switzerland	COUNTRY OF CITIZENSHIP Germany	
	POST OFFICE ADDRESS	STREET 161, route de Lausanne	CITY Cully/Villette	STATE OR COUNTRY Switzerland	ZIP CODE 1096
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	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
206	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
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SIGNATURE OF JOHANNES BAENSCH	SIGNATURE OF MARLENE GAUGAZ	SIGNATURE OF DOMINIQUE LENEUF 
DATE	DATE	DATE 11.02.2000
SIGNATURE OF ERNST HARTMUT REIMERDES	SIGNATURE OF INVENTOR 304	SIGNATURE OF INVENTOR 304
DATE	DATE	DATE

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☒ was filed as PCT international Application No. **PCT/EP98/04930** on **23 July 1998**.

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	RESIDENCE & CITIZENSHIP	CITY <b>Le Breuil-en-Auge</b>	STATE OR FOREIGN COUNTRY <b>France</b>	COUNTRY OF CITIZENSHIP <b>Germany</b>	
	POST OFFICE ADDRESS	STREET <b>Le Pré-aux-Méux</b>	CITY <b>Le Breuil-en-Auge</b>	STATE OR COUNTRY <b>France</b>	ZIP CODE <b>14130</b>
202	FULL NAME OF INVENTOR	LAST NAME <b>GAUGAZ</b>	FIRST NAME <b>Marlene</b>	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY <b>Corseaux</b>	STATE OR FOREIGN COUNTRY <b>Switzerland</b>	COUNTRY OF CITIZENSHIP <b>Switzerland</b>	
	POST OFFICE ADDRESS	STREET <b>36, rue du Village</b>	CITY <b>Corseaux</b>	STATE OR COUNTRY <b>Switzerland</b>	ZIP CODE <b>1802</b>
203	FULL NAME OF INVENTOR	LAST NAME <b>LENEUP</b>	FIRST NAME <b>Dominique</b>	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY <b>Vevey</b>	STATE OR FOREIGN COUNTRY <b>Switzerland</b>	COUNTRY OF CITIZENSHIP <b>France</b>	
	POST OFFICE ADDRESS	STREET <b>18, avenue de la Prairie</b>	CITY <b>Vevey</b>	STATE OR COUNTRY <b>Switzerland</b>	ZIP CODE <b>1800</b>
204	FULL NAME OF INVENTOR	LAST NAME <b>REIMERDES</b>	FIRST NAME <b>Ernst</b>	MIDDLE NAME <b>Hartmut</b>	
	RESIDENCE & CITIZENSHIP	CITY <b>Cully/Villette</b>	STATE OR FOREIGN COUNTRY <b>Switzerland</b>	COUNTRY OF CITIZENSHIP <b>Germany</b>	
	POST OFFICE ADDRESS	STREET <b>161, route de Lausanne</b>	CITY <b>Cully/Villette</b>	STATE OR COUNTRY <b>Switzerland</b>	ZIP CODE <b>1096</b>
205	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
206	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF JOHANNES BAENSCH	SIGNATURE OF MARLENE GAUGAZ	SIGNATURE OF DOMINIQUE LENEUP
DATE	DATE	DATE
SIGNATURE OF ERNST HARTMUT REIMERDES <i>Ernst H. Reimerdes</i>	SIGNATURE OF INVENTOR 205	SIGNATURE OF INVENTOR 206
DATE <i>14.02.2000</i>	DATE	DATE